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EXAMINER

MAI, TAN V

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/658,612
Filing Date: September 08, 2003
Appellant(s): RAMANUJAM, GOPALAN

MAILED

OCT 17 2007

Technology Center 2100

Brent E. Vecchia
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/10/07 appealing from the Office action
mailed 04/12/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-19 are directed to an apparatus for performing a conversion of packaged format values where the inputs are numbers and the result are also numbers. Claims 20-25 are directed to a method for performing a conversion of packaged format values. Claims 32-33 are directed to a tangible machine readable medium carrying an instruction for performing a conversion of packaged format values. In order for a claimed invention that is directed to such a method of calculation or a system for implementing calculations to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 U SPQ2d at 1601-02. Also see "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005. It is clear from claims 1-25 and 32-33 that the claims

merely involve calculations and manipulations of data in performing a mathematical operation on a list of number to produce output results in accordance with an algorithm as illustrated in figure 1. The claimed invention does not transform an article or physical object to a different state or thing. The input(s) is a number and the output is also a number. The result produced by claimed invention is merely number. It does not have a real world value as the claimed invention is not for any practical application, and thus is not useful. Therefore, the claimed invention is directed to non- statutory subject matter as the claimed invention fails to accomplish a practical application.

(10) Response to Argument

Appellant argues practical application by useful result but the result is merely numbers. Therefore, the claims are not limited to a practical application of the mathematical algorithm because the result, numbers, is not a real-world result. It is clearly that the invention as recited in the claims is not being applied to appropriate subject matter because the invention merely involves in calculations and manipulations of data in performing a mathematical operation. The claimed invention performs mathematical operation on a list of numbers to produce output results that are also numbers, in accordance with an algorithm, without a practical application for the invention to produce a useful, concrete and tangible result. The claimed invention clearly does not transform an article or physical object to a different state or thing. The result produced by claimed invention is merely number. It does not have a real world value since the claimed invention is not for any practical application, and thus is not

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useful. Therefore, it is respectfully submitted that the rejection of claims 1-25 and 32-33 as being directed to non-statutory subject matter is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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